



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

PAUL T. TSUKIYAMA
DIRECTOR

NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
Telephone: (808) 586-1400 FAX: (808) 586-1412
E-MAIL: oiip@hawaii.gov
www.hawaii.gov/oiip

September 14, 2009

VIA EMAIL: doug.wh7e@gmail.com

Mr. Douglas White

Re: Appeal from Agency Denial of Access to General Records
(APPEAL 10-8)

Dear Mr. White:

I am enclosing a copy of a letter received from Deputy Attorney General, Russell Suzuki, who is assisting the Office of the Governor with respect to your appeal. I am also enclosing a copy of a letter sent to Mr. Suzuki asking that notice be given to you in accordance with Hawaii Administrative Rule §2-71-14 (1993) and that any denials of access be supported.

Although one of OIP's functions is to rule on appeals, another function is to simply assist members of the public in getting access to requested records. Rest assured that your receipt of any records you requested will not mean that you will not receive a written determination on any denials of access to requested records.

Very truly yours,

Cathy L. Takase
Staff Attorney

CLT:dms
Enclosures

cc: Russell Suzuki, Esq.

LINDA LINGLE
GOVERNOR



MARK J. BENNETT
ATTORNEY GENERAL

LISA M. GINOZA
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

September 10, 2009

Cathy Takase, Esq.
Office of Information Practices
No. 1 Capitol District Building
250 South Hotel Street, Suite 107
Honolulu, Hawaii 96813

Dear Ms. Takase:

Re: Records Request of Douglas White

On behalf of the Office of the Governor, this responds to your September 1 and 3 letter and email. We understand that Mr. White has refined his request to letters received from the public on bills passed during the 2009 regular legislative session.

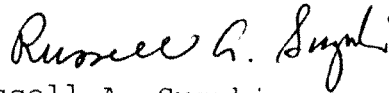
Let me begin by explaining that the records that Mr. White seeks are not immediately separable from the legislative files maintained by the Governor's office. The files are identified separately by each bill number. For the 2009 session there were 1,843 house bills and 1,680 senate bills. Each file can contain from 10 to 120 pages of documents but there are exceptions such as the budget bill which has about 500 pages. It is estimated that each page could require about 2 minutes for review. The letters from the public are intermingled in the file of the bill to which it pertains. In order to segregate the letters from each file, the Governor's office will have to have someone go through each file to segregate the information Mr. White requests. Inasmuch as he is requesting letters from the public relating to specific bills, which were sent in response to the Governor's invitation to comment on bills, we do not anticipate claiming any of those documents to be exempt from disclosure. They would have to be reviewed, however, for personal information that may have to be redacted, such as home phone numbers or other personal information. The Governor's office estimates that it will require approximately 4 hours to review an increment of 100 files. The estimated hours to perform the complete review

Cathy Takase, Esq.
September 10, 2009
Page 2

are approximately 141 hours. Rather than compiling a list of the files for Mr. White, we suggest that he obtain the Legislative Reference Bureau's compilation of "Bills Passed by the Hawaii State Legislature Regular Session of 2009," and identify which bills he would like to review first. We can then determine the cost for each incremental review and begin processing the records for his review upon his payment of the appropriate fees. We can then discuss arrangements for Mr. White to schedule appointments to permit his supervised review of the records at the Governor's office.

Please call me if you have questions.

Very truly yours,



Russell A. Suzuki
Deputy Attorney General

c. Joy Watari



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September 14, 2009

VIA EMAIL

Russell Suzuki, Esq.
Administration Division Supervisor
Department of the Attorney General

Re: White Appeal from Denial of Access to General Records (APPEAL 10-8)

Dear Mr. Suzuki:

It is unclear from your letter to this office dated September 10, 2009, whether Mr. White has been sent notice of the access that will be provided as set out in that letter. Accordingly, I am forwarding to him a copy of your September 10 letter. If the Office of the Governor has not yet contacted Mr. White, please advise them that they should contact Mr. White directly to arrange for disclosure of records.

I would also like to clarify that Mr. White is not seeking only letters received from the public on bills passed during the 2009 regular legislative session. Rather, his original request has only been amended to exclude drafts of legislation and inter-agency and intra-agency memoranda or correspondence. Accordingly, his request to the Governor's office as expressed in his September 2, 2009 email, a copy of which was attached to my email to you dated September 3, 2009, includes:

“records” (incoming and outgoing) concerning approval or veto of legislation in the broadest sense (notes from meetings, phone logs, schedules, etc.), involving parties that are neither inter- or intra-agency

I would like to reiterate a request that Mr. White be provided with a list of all responsive records. These may be grouped into categories where the same basis for withholding will be asserted. Please indicate which records will be provided and how, and which records will be denied and the specific legal authorities under which access is being denied. See Haw. Admin. R. §2-71-14 (1999). Please provide this list to Mr. White as soon as possible. In addition, please also provide any other information or legal analysis that the agency would like OIP to consider in ruling on this appeal within the agreed upon thirty day period.

Russell Suzuki, Esq.
September 14, 2009
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Thank you for your assistance in this matter. As I had informed you, I will be out of the office for the last 3 weeks of September. Please do not hesitate to contact our Director if you have any questions or require assistance in responding to this letter.

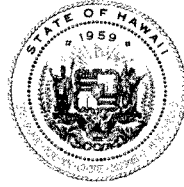
Very truly yours,

A handwritten signature in cursive script, appearing to read "Cathy L. Takase".

Cathy L. Takase
Staff Attorney

CLT:dms

cc: Mr. Douglas White



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Russell Suzuki, Esq.
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Very truly yours,

A handwritten signature in cursive script, appearing to read "Cathy L. Takase", with a long horizontal flourish extending to the right.

Cathy L. Takase
Staff Attorney

CLT:dms

cc: Mr. Douglas White